
**Children & Family Services
Committee**

ESSB 6635

Brief Description: Changing provisions relating to adoption.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen).

Brief Summary of Engrossed Substitute Bill

- Revises provisions related to adoption and consideration of the cultural, ethnic, or racial background of a child or prospective adoptive parent.
- Directs the Department of Social and Health Services (DSHS) to establish an adoption fee schedule.
- Requires the DSHS to study and report to the Legislature regarding barriers to adoption and recommendations to reduce barriers.
- Prohibits for-profit entities from engaging in any services related to adoption.

Hearing Date: 2/22/06

Staff: Sydney Forrester (786-7120).

Background:

State law allows for the facilitation of adoptions by licensed private agencies, the Department of Social and Health Services (DSHS), and independent agents approved by the court. All petitions for relinquishment and termination of parental rights and for the adoption of eligible children must be filed in Superior Court. The court then oversees the process of the adoption by reviewing the pre- and post-placement reports and holding a hearing on the petition for adoption. If the court determines, based on its review of the petition, the report, and other evidence presented at the hearing, that the adoption is in the best interests of the child, an adoption decree is entered. If the court determines the adoption is not in the child's best interests, the court enters orders for the care and custody of the child.

Fees

Adoption fees may be charged for a variety of expenses incurred in the adoption process, including the preparation of legal documents, legal representation, court costs, pre- and post-

placement home studies, birth parent medical expenses, and work done by licensed adoption agencies. Fees related to adoption services vary for a number of reasons. There is no statutory fee schedule, however fees for reports must be reasonable and must be disclosed upon request.

Consideration of Race, National Origin, and Ethnicity

Federal and state laws provides that an adoption may not be delayed or denied based upon the race, color, or national origin of the adoptive parent or the child involved. Further, an agency may not routinely consider race, national origin, or ethnicity in making placement decisions. Any consideration of race or ethnicity must be done on an individualized basis where special circumstances warrant their consideration. State law permits the department to consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background when determining the child's best interests.

Legislative Study Panel on Adoption

In 2004, the Legislature adopted House Concurrent Resolution 4418 creating a legislative panel to study a variety of adoption-related issues. Recommendations from the study panel were presented to the Legislature in January 2005.

Summary of Bill:

Consideration of a child's cultural, ethnic, or racial background in making placement decisions is limited to those situations where:

- (1) a particular child presents specific compelling circumstances; and
- (2) consideration of those factors is the only way to achieve the best interest of the child.

The DSHS is directed to create standardized training on federal civil rights laws on the placement of children for all DSHS or agency employees involved in the placement of children.

For-profit entities are prohibited from engaging in any service related to the adoption of children. The DSHS is required to establish and maintain a schedule of standard adoption-related fees in consultation with related agencies and organizations. The court may forward a copy of the fee disclosure statement to the department if the fees are in excess of the established fee schedule.

DSHS, in consultation with representatives from interested entities, must review adoption fees associated with children adopted outside the foster care system and report to the Legislature by December 1, 2006.

The Attorney General is authorized to bring an action for an unlawful trade practice under the state consumer protection law against any person advertising adoption services in the state without a license. An advertising entity who attempts to verify that a person or entity providing adoption services has complied with the law does not commit an unlawful trade practice for accepting adoption advertising in good faith.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.